

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS
DIVISION 1: BUSINESS LICENSES AND REGULATIONS
Chapter 21: MOTELS

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41.211 Findings.

The County of San Bernardino is endeavoring to reduce acts of sexual misconduct, drug trafficking, and "fencing" activities occurring in the unincorporated area of the County, and to improve the business environment in the County. In furtherance of these goals, and to promote the health, safety and welfare of the public, this chapter requires regulatory licenses for the purpose of ensuring that preventive action is taken to curb criminal activities from occurring on the motel business premises. The criminal activities interfere with the safe operation of the motel businesses and the continuance of such activities on the premises will be detrimental to the health, safety and welfare of the public. It is further found that such criminal activities have occurred and are likely to continue to occur on many motel business premises in the County.

Adopted Ordinance #3548 (1993);

41.212 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations, shall have the meanings set forth herein. Words used in the present tense includes the future tense, plural words include the singular, and singular words include the plural. Words not specifically defined shall be given their common and

ordinary meanings. The word "shall" as used herein is mandatory and not merely directory.

(a) BOARD OF SUPERVISORS shall refer to the Board of Supervisors of San Bernardino County.

(b) CLERK OF THE BOARD shall refer to the Clerk of the Board of Supervisors of San Bernardino County.

(c) COUNTY shall mean the unincorporated area of the County of San Bernardino.

(d) DEHS shall refer to the Department of Environmental Health Services of the County of San Bernardino.

(e) MOTEL shall mean a building or buildings each containing one (1) or more guest rooms or dwelling units or combinations thereof designed, used, and intended wholly or in part, for the accommodation of transients for a fee or charge. A MOTEL does not include any jail, hospital, asylum, sanitarium, orphanage, prison, or other building in which human beings are housed and detained under legal restraint.

(f) NOTICE ADDRESS shall be the address designated by the licensee for the mailing of all notices, legal mail, and other written communications from the County to the licensee.

(g) PERSON means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

(h) SHERIFF shall refer to the Sheriff of the County of San Bernardino and/or his or her deputies.

Adopted Ordinance #3548 (1993);

41.213 License - Required.

It is unlawful for any person, whether as principal or agent, clerk or employee, acting personally or for any other person, or for any corporate entity, or as an officer of any company, partnership or corporation, or otherwise, to commence, manage, or conduct the business of operating a motel, in the unincorporated area of San Bernardino County, without a valid and unsuspended license issued by the Clerk of the Board or without complying with any regulation of such business imposed under or by this chapter. The operation of any business regulated by this chapter without having such a license from the Clerk of the Board to do so, or without complying with any and all regulations of such business required by this chapter, shall constitute a separate violation of this chapter for each and every day that such business is so operated.

Adopted Ordinance #3548 (1993);

41.214 Application Form and Content.

(a) Required Information. Any person desiring to obtain a license to operate a motel or renew an existing motel license shall make written application to the Clerk of the Board on a written form to be provided by the Clerk, who shall promptly refer all complete applications to the Sheriff for investigation. Said application shall include, but not necessarily be limited to the following items:

(1) Name. The applicant's full name and any aliases heretofore used or currently used and current business address and mailing address and the names and residence addresses of all officers, directors, and each stockholder holding more than ten percent (10%) of the stock, if a corporation, or partners, if a partnership.

(2) Addresses. All previous businesses, and where applicable, the residential addresses of the applicant or applicant's principal officers, directors, and stockholders holding more than ten percent (10%) of stock, if a corporation, or partners, if a partnership, for the five (5) years immediately preceding submission of the application.

(3) Physical Description. Height, weight, color of eyes and hair of applicant or each of the applicant's officers, directors, and each stockholder holding more than ten percent (10%) of stock, if a corporation, or partners, if a partnership, together with at least two (2) current color photographs at least two inches by two inches (2" x 2") in size for each individual.

(4) Proof of Age. A certified birth certificate, immigration papers, passport, or current California Driver's License evidencing the fact the applicant is no less than eighteen (18) years of age.

(5) Business Information. The business, occupation, or employment of the applicant or the applicant's officers, directors, and each stockholder holding more than ten percent (10%) of the stock if a corporation, or partners, if a partnership, for the three (3) years immediately preceding the date of the application. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation and a copy of the Articles of Incorporation attached to the application.

(6) Location for Licensed Activities. Each location where the licensed activities will be conducted.

(7) Prior Licenses. A statement of any business license history relating to motels of the applicant and of applicant's partners, if a partnership, or each of the officers, directors, or persons who hold more than ten percent (10%) of the stock, if a corporation, including a statement of whether such person, in previous operations, has had such license revoked or suspended, the reason therefore, and a statement setting forth all motel business history or occupation subsequent to such suspension or revocation.

(8) Criminal Convictions. A statement of whether the applicant, and any partners, if a partnership, or officers, directors, or persons holding more than ten percent (10%) of the stock, if a corporation, have been convicted of an offense involving conduct which requires registration under California Penal Code § 290, or conduct which is in violation of the provisions of California Penal Code §§ 266i, 315, 316, 318 or 647(b), or any felony involving the sale of a controlled substance specified in §§ 11054 through 11058 of the California Health and Safety Code, or any "fencing" crime, or has been convicted of an offense involving conduct which requires registration under California Health and Safety Code § 11590, or has been convicted in another state of an offense, which, if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in this section.

(9) Notice Address. The address to which all notices and communications from the County of San Bernardino to the applicant or licensee shall be

directed. It shall be the responsibility of the applicant or licensee to immediately inform the Clerk of the Board, in writing, of any changes of the applicant or licensee's notice address.

(b) License Fee. Each application for a motel license shall be accompanied by the license fee specified in Chapter 2 of Division 6 of Title 1, relating to fees.

(c) Incomplete Applications. The Clerk of the Board shall promptly reject any incomplete application which does not meet all requirements of this section, and shall notify the applicant in writing, by first-class mail, postage prepaid, to the address supplied to the Clerk of the Board by the applicant, of the deficiencies in the application.

(d) Filing for Renewal. No application for renewal of the license shall be accepted earlier than ninety (90) days prior to expiration of the license.

Adopted Ordinance #3548 (1993);

41.215 Investigation by Sheriff.

(a) Review of Application. The Sheriff shall conduct an investigation of the matters set forth in the application. The Sheriff shall review the information submitted to the Clerk of the Board and shall review any other documents or materials which are requested by the Sheriff in the course of investigation and which reasonably relate to the licensing requirements of this chapter. The Sheriff shall require the applicant to be fingerprinted and to pay whatever fingerprinting fee is then in effect. This investigation and review is intended to meet the criminal record access authorization requirements of Penal Code §§ 13300(b)(10) and 11105(b)(10).

(b) Report on Investigation Results. The Sheriff shall promptly report to the Clerk of the Board whether the application and the other documents and materials submitted by the applicant meet all requirements of this chapter and all other applicable laws.

Adopted Ordinance #3548 (1993);

41.216 Investigation by Planning, Building and Safety, Environmental Health Services and Fire Departments.

Prior to the issuance of any license under this chapter, and following approval by the Sheriff, the Clerk of the Board shall submit the motel application for review by the Planning Department, the Department of Environmental Health Services, the Office of Building and Safety, and the fire department having jurisdiction over the premises on which licensed activities are to be conducted, to determine whether the premises comply with applicable laws, including Title 8 of the San Bernardino County Code (Development Code) and the County General Plan. The departments referenced above shall promptly conduct their investigation and shall thereafter promptly render their reports to the Clerk of the Board of Supervisors. The Clerk shall then submit the license application for consideration for approval or denial by the County Board of Supervisors.

Adopted Ordinance #3548 (1993);

41.217 Existing Operators.

Each applicant engaged in an operating business on the effective date of this chapter for which a license is required shall be required to file a complete application, but shall not be subject to denial of such license as to that operating business on the basis of information set forth in the application required by § 41.214(a)(4) or (7) or § 41.214(a)(8) as to convictions resulting from arrests prior to the effective date of this chapter.

Adopted Ordinance #3548 (1993);

41.218 License Fee.

Every person engaging in or carrying on the activities or business of a motel shall procure a license and pay a license fee as specified in Chapter 2 of Division 6 of Title 1, relating to fees in addition to all other fees required under this chapter and otherwise in this Code.

Adopted Ordinance #3548 (1993);

41.219 Grounds for Denial of License.

A motel license shall be denied upon the determination of any one of the following:

(a) Criminal Convictions. The applicant, owners, operators, partners if a partnership, or officers, directors, or persons holding more than ten percent (10%) of the stock, if a corporation, or any of them, has within ten (10) years immediately preceding the date of the application been convicted of any of the offenses set forth in § 41.214(a)(8), or have, within the same time frame been convicted of any offense in another state which, if committed or attempted in this state, would have been punishable as one or more offenses enumerated under this section, or is required to register under § 290 of the Penal Code or Health and Safety Code § 11590.

(b) Failure of Planning, Building and Safety, Environmental Health Services or Fire Department to approve application. The application is not approved by one or more of the Planning, Building and Safety, Environmental Health Services or fire departments as required by § 41.216.

(c) Revocation of Prior License. The applicant, owners, operators, partners if a partnership, or officers, directors, or persons holding more than ten percent (10%) of the stock, if a corporation, or any of them, has had a motel license revoked or suspended for cause within the five (5) year period immediately preceding the date of the application.

(d) Misstated Facts. The applicant has knowingly misstated facts or falsified information on the application.

(e) Failure to comply with Application Requirements. The applicant has failed to comply with the requirements of § 41.214.

Adopted Ordinance #3548 (1993);

41.2110 License Denial.

Any person denied a license pursuant to this chapter may not operate a motel and must cease all operations being conducted that are subject to license issued under this chapter. Upon determination of grounds to deny a license, the Clerk of the Board shall cause a "Notice of Denial" to be mailed by first class, postage prepaid mail, to the notice address designated by the licensee pursuant to § 41.214(a)(9). An applicant whose license has been denied may appeal the denial to the Board of Supervisors as set forth in § 41.2118 of this chapter.

Adopted Ordinance #3548 (1993);

41.2111 Licenses Non-Transferable.

All licenses issued under this chapter are non-transferable both as to location, and as to the person holding the license.

Adopted Ordinance #3548 (1993);

41.2112 Display of License.

Any person to whom a motel license is granted shall display said license in a conspicuous place at every location where the licensed activities are performed or conducted.

Adopted Ordinance #3548 (1993);

41.2113 Duration and Renewal of License.

(a) Term. Each license issued under this chapter shall terminate at the expiration of one (1) year from the date of its issuance unless revoked prior to said termination pursuant to § 41.2116.

(b) Renewal. Any renewal of a license issued under this chapter shall be pursuant to the same requirements, procedures, provisions and regulations set forth in §§ 41.214 and 41.215 of this chapter. If a license has expired, the provisions set forth in § 41.216 shall also apply.

Adopted Ordinance #3548 (1993);

41.2114 Inspection and Enforcement.

Officers of the Sheriff's Department shall have the right to enter any motel during regular business hours to make reasonable inspection to ascertain whether the provisions of this chapter are being met, provided reasonable and normal business operations shall not be interfered with.

Adopted Ordinance #3548 (1993);

41.2115 Abatement.

Any motel operated, conducted or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be unlawful and a public nuisance, and the District Attorney or County Counsel may, in addition to, or in lieu of any other legal or criminal proceedings, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such motel and restrain and enjoin any person from operating, conducting or maintaining a motel contrary to the provisions of this chapter.

Adopted Ordinance #3548 (1993);

41.2116 Revocation of License.

(a) Grounds for Revocation. A license issued under this chapter shall be revoked on one or more of the following grounds:

(1) Fraud or Deceit. That the licensee practiced fraud or deceit in obtaining a license under this chapter.

(2) Violation of Chapter. That the licensee or the licensee's employee violated a provision or provisions of this chapter.

(3) Criminal Conviction. That the licensee has been convicted in a court of competent jurisdiction of any offenses described in § 41.214.

(4) Error. That the license was issued in error.

(5) Civil Penalties. Assessment of three (3) or more civil penalties as provided by § 41.2117 during any six (6) month period.

(b) Notice of Revocation. Upon determination of grounds to revoke a license, the Clerk of the Board shall cause a "Notice of Revocation" to be mailed by first class, postage prepaid mail, to the notice address designated by the licensee pursuant to § 41.214(a)(9).

Adopted Ordinance #3548 (1993);

41.2117 Civil Penalties.

For each violation of the provisions of this chapter, a monetary civil penalty of Five Hundred Dollars (\$500.00) per violation may be assessed in lieu of license revocation.

Adopted Ordinance #3548 (1993);

41.2118 Appeal Rights.

Any person denied a license under this chapter or a licensee whose license has been revoked may appeal in writing to the Board of Supervisors. In the case of a license revocation, the license shall be considered revoked when the time for appeal has run without a valid appeal having been filed or upon decision of the Board of Supervisors that the license is revoked, whichever is later. Said appeal must be in

writing and must be filed with the Clerk of the Board not more than fifteen (15) days following the Clerk of the Board's deposit into the mails of the Notice of Denial or Revocation addressed to the licensee at the address identified by the applicant or licensee as the address to which all notices are to be mailed. The Board of Supervisors may hear appeals directly or in its sole discretion, may appoint a hearing officer to hear any appeal and make a recommendation to the Board of Supervisors pursuant to § 12.270 et seq., of the San Bernardino County Code. All decisions of the Board of Supervisors shall be final as to any appeal presented to them.

Adopted Ordinance #3548 (1993);

41.2119 Other Regulatory Provisions.

Compliance with the provisions of this chapter does not exempt a licensee or applicant for license from complying with other requirements of this code relating to motels.

Adopted Ordinance #3548 (1993);

41.2120 Validity.

If any section or subsection, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this chapter.

Adopted Ordinance #3548 (1993);